

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



STEVEN PAUL CALLEJA, JR., #1134939,

Petitioner,

v.

ACTION NO. 2:20cv9

HAROLD W. CLARK,  
Director, Virginia Department of Corrections,

Respondent.

**FINAL ORDER**

Petitioner Steven Paul Calleja, Jr. ("Calleja"), a Virginia inmate, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Calleja alleges violations of federal rights pertaining to his convictions in the Circuit Court for Stafford County on October 13, 2016, for two counts of larceny with intent to sell. *Id.* at 1. As a result of the convictions, on January 19, 2017, Calleja was sentenced to serve eight years in the Virginia penal system. *Id.*

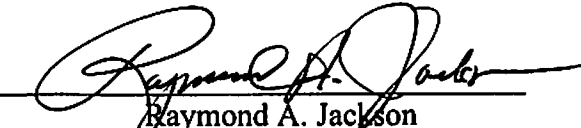
The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed November 30, 2020, recommends that respondent's motion to dismiss, ECF No. 11, be granted, and the petition, ECF No. 1, be denied and dismissed with prejudice. ECF No. 18. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge, and no objections have been filed.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 11, is **GRANTED**, and the petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**.

Calleja has failed to demonstrate a "substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003) (quoting 28 U.S.C. § 2253(c)(2)).

Calleja is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Calleja intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Calleja may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this final order to Calleja and counsel of record for respondent.

  
Raymond A. Jackson  
United States District Judge

Norfolk, Virginia  
January 7, 2021